

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:18-cv-01642-NBF**

PROJECT ON PREDATORY STUDENT LENDING OF THE
LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL
v. UNITED STATES DEPARTMENT OF JUSTICE

Assigned to: Judge Nora Barry Fischer

related Case: 2:17-cv-00210-NBF

Cause: 05:552 Freedom of Information Act

Date Filed: 12/07/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

**PROJECT ON PREDATORY
STUDENT LENDING OF THE
LEGAL SERVICES CENTER OF
HARVARD LAW SCHOOL**

represented by **Eileen M. Connor**
Legal Services Center, Harvard Law
School
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2528
Fax: 617-522-0715
Email: econnor@law.harvard.edu
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer Bennett
Public Justice, P.C.
475 14th Street
Suite 610
Oakland, CA 94612
510-622-8213
Email: jbennett@publicjustice.net
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen J. Emedi
Legal Services Center of Harvard Law
School
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2741
Fax: 617-522-0715
Email: semedi@law.harvard.edu
TERMINATED: 07/12/2019
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Toby R. Merrill
Legal Services Center of Harvard Law
School
122 Boylston Street
Jamaica Plain, MA 02130
617-390-2576
Fax: 617-522-0715
Email: tomerrill@law.harvard.edu
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Karen Gal-Or**
 U.S. Attorney's Office
 700 Grant Street, Suite 4000
 Pittsburgh, PA 15219
 412-644-3500
 Email: karen.gal-or@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul E. Skirtich
 United States Attorney's Office
 700 Grant Street
 Suite 4000
 Pittsburgh, PA 15219
 (412) 644-3500
 Email: paul.skirtich@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/07/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE (Filing fee, including Administrative fee, \$400, receipt number 315-4958272), filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Index, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F) (sdp) (Entered: 12/10/2018)
12/10/2018	<u>4</u>	Summons Issued as to UNITED STATES DEPARTMENT OF JUSTICE IN Pgh. (sdp) (sdp) (Entered: 12/10/2018)
12/10/2018	<u>2</u>	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (jg) (Entered: 12/10/2018)
12/10/2018	<u>3</u>	ORDER re Federal Rule of Civil Procedure 12(b) Motions to Dismiss, more fully stated in said order. Signed by Judge Nora Barry Fischer on 12/10/18. (jg) (Entered: 12/10/2018)
12/12/2018	<u>5</u>	AFFIDAVIT of Service for Summons and Complaint served on United States Department of Justice on December 12, 2018, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Emedi, Stephen) (Entered: 12/12/2018)
12/12/2018	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint served on Acting Attorney General of the United States, Matthew G. Whitaker on December 12, 2018, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Emedi, Stephen) (Entered: 12/12/2018)
12/12/2018	<u>7</u>	AFFIDAVIT of Service for Summons and Complaint served on Civil Process Clerk, United States Attorney's Office for the Western District of Pennsylvania on December 12, 2018, filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Emedi, Stephen) (Entered: 12/12/2018)
12/13/2018		Update Answer Deadline: Answer due from UNITED STATES DEPARTMENT OF JUSTICE on 1/11/2019 (sdp) (Entered: 12/13/2018)
12/20/2018	<u>8</u>	SUMMONS/Return of Service Returned Executed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. UNITED STATES DEPARTMENT OF JUSTICE served on 12/17/2018, answer due 1/11/2019. (Attachments: # <u>1</u> Exhibit Certified Mail Return Receipts) (Emedi, Stephen) (Entered: 12/20/2018)

12/21/2018		Update Answer Deadline: Answer due from UNITED STATES DEPARTMENT OF JUSTICE on 1/16/2019 (sdp) (Entered: 12/21/2018)
01/03/2019	<u>9</u>	NOTICE of Appearance by Karen Gal–Or on behalf of UNITED STATES DEPARTMENT OF JUSTICE. (Gal–Or, Karen) (Entered: 01/03/2019)
01/08/2019	<u>10</u>	MOTION for attorney Stephen J. Emedi to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4986424) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Proposed Order) (Emedi, Stephen) (Entered: 01/08/2019)
01/08/2019	<u>11</u>	MOTION for attorney Toby R. Merrill to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4986542) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Proposed Order) (Emedi, Stephen) (Entered: 01/08/2019)
01/09/2019	12	ORDER granting <u>10</u> Motion for Stephen J. Emedi, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 1/9/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/09/2019)
01/09/2019	13	ORDER granting <u>11</u> Motion for Toby R. Merrill, Esquire to Appear Pro Hac Vice. on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 1/9/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/09/2019)
01/09/2019	<u>14</u>	MOTION for attorney Eileen M. Connor to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4987012) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Proposed Order) (Emedi, Stephen) (Entered: 01/09/2019)
01/09/2019	15	ORDER granting <u>14</u> Motion for Eileen M. Connor, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 1/9/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/09/2019)
01/09/2019	<u>16</u>	MOTION for attorney Jennifer D. Bennett to Appear Pro Hac Vice, (Filing fee \$70, Receipt # 0315–4987865) by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Proposed Order) (Emedi, Stephen) (Entered: 01/09/2019)
01/09/2019	17	ORDER granting <u>16</u> Motion for Jennifer D. Bennett, Esquire to Appear Pro Hac Vice on behalf of Plaintiff. Signed by Judge Nora Barry Fischer on 1/9/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/09/2019)
01/14/2019	18	ORDER indicating that, as a function of the pending government shutdown, the deadline for submissions to the Court are continued and will be re–scheduled upon conclusion of said shutdown. Signed by Judge Nora Barry Fischer on 1/14/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/14/2019)
01/28/2019	19	ORDER indicating that the government shutdown having ended, it is hereby ordered that defendant shall file a response to plaintiff's complaint by 3/4/19. Signed by Judge Nora Barry Fischer on 1/28/19. Text–only entry; no PDF document will issue. This text–only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 01/28/2019)
03/04/2019	<u>20</u>	ANSWER to <u>1</u> Complaint, by UNITED STATES DEPARTMENT OF JUSTICE. (Gal–Or, Karen) (Entered: 03/04/2019)
03/04/2019	<u>21</u>	MEMORANDUM ORDER indicating that the parties' Rule 26 Meeting Report and Stipulation Selecting ADR Process are due by 3/27/19; A Case Management Conference is set for 4/3/19 at 2:30 PM in Courtroom 5B before Judge Nora Barry

		Fischer. Signed by Judge Nora Barry Fischer on 3/4/19. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (jg) (Entered: 03/04/2019)
03/20/2019	<u>22</u>	ORDER indicating that the Case Management Conference set for 4/3/2019 at 2:30 PM is re-set 4/3/19 at 4:30 PM in Courtroom 5B before Judge Nora Barry Fischer. Signed by Judge Nora Barry Fischer on 3/20/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 03/20/2019)
03/22/2019	<u>23</u>	NOTICE of Appearance by Paul E. Skirtich on behalf of UNITED STATES DEPARTMENT OF JUSTICE. (Skirtich, Paul) (Entered: 03/22/2019)
03/23/2019	<u>24</u>	NOTICE of Judge Fischer's son's employment with United States Attorney's Office. (jg) (Entered: 03/23/2019)
03/25/2019	<u>25</u>	Consent MOTION To Waive ADR Requirement by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order) (Skirtich, Paul) (Entered: 03/25/2019)
03/26/2019	<u>26</u>	ORDER granting <u>25</u> Defendant's Consent Motion To Waive ADR Requirement. Signed by Judge Nora Barry Fischer on 3/26/19. (jg) (Entered: 03/26/2019)
03/26/2019	<u>27</u>	REPORT of Rule 26(f) Planning Meeting. (Emedi, Stephen) (Entered: 03/26/2019)
04/04/2019	<u>28</u>	Minute Entry for proceedings held before Judge Nora Barry Fischer: Case Management Conference held on 4/3/19; Appropriate Orders follow. (Court Reporter: None) (jg) (Entered: 04/04/2019)
04/04/2019	<u>29</u>	ORDER Implementing Federal Rule of Evidence 502(d). Signed by Judge Nora Barry Fischer on 4/3/19. (jg) (Entered: 04/04/2019)
04/04/2019	<u>30</u>	ORDER indicating that the Court having conducted an initial case management conference on this date, and with consent of the parties, the Court hereby orders the following: 1. Discovery: a. Defendant shall produce its Vaughn index to Plaintiff by 4/17/19; b. Plaintiff shall file any motion for discovery and supporting brief by 5/1/19; c. Defendant shall file any response by 5/15/19; d. Plaintiff shall file any motion for leave to file a reply by 5/22/19; 2. The Court defers entering an Order establishing summary deadlines until resolving any disputes related to discovery. Signed by Judge Nora Barry Fischer on 4/3/19. (jg) (Entered: 04/04/2019)
04/17/2019	<u>31</u>	MOTION to Extend Time to Produce Vaughn Index to Plaintiff by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order) (Skirtich, Paul) (Entered: 04/17/2019)
04/17/2019	<u>32</u>	RESPONSE IN OPPOSITION to Defendant's <u>31</u> Motion to Extend Time to Produce Vaughn Index to Plaintiff filed by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order) (Emedi, Stephen) Modified text on 4/18/2019 to add document linkage. (ksa) (Entered: 04/17/2019)
04/18/2019	<u>33</u>	ORDER indicating that upon consideration of Defendant's Motion for Extension of Time to Produce Vaughn Index to Plaintiff <u>31</u> and Plaintiff's Response in Opposition thereto <u>32</u> , it is hereby ordered that said Motion is granted and that the Order dated 4/4/19 <u>30</u> is amended as follows: 1. Discovery – a. Defendant shall produce its Vaughn index to Plaintiff by 5/17/19; b. Plaintiff shall file any motion for discovery and supporting brief by 6/3/19; c. Defendant shall file any response by 6/17/19; d. Plaintiff shall file any motion for leave to file a reply by 6/24/19; 2. The Court defers entering an Order establishing summary deadlines until resolving any disputes related to discovery. Signed by Judge Nora Barry Fischer on 4/18/19. (jg) Modified text on 4/18/2019. (ksa) (Entered: 04/18/2019)
04/18/2019		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>32</u> Response in Opposition. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (ksa) (Entered: 04/18/2019)
06/04/2019	<u>34</u>	ORDER indicating that the parties' shall file a Joint Proposed Order regarding Summary Judgment deadlines by 6/11/19. Signed by Judge Nora Barry Fischer on

		6/4/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 06/04/2019)
06/11/2019	<u>35</u>	Proposed Order (<i>Joint</i>) by UNITED STATES DEPARTMENT OF JUSTICE. (Gal-Or, Karen) (Entered: 06/11/2019)
06/11/2019	<u>36</u>	ORDER indicating that upon consideration of the <u>35</u> Joint Proposed Order, it is ordered that the parties filed a Second Proposed Scheduling Order setting forth proposed deadlines for summary judgment by 6/18/19. Signed by Judge Nora Barry Fischer on 6/11/19. (jg) (Entered: 06/11/2019)
06/18/2019	<u>37</u>	STATUS REPORT <i>Joint Status Report</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Emedi, Stephen) (Entered: 06/18/2019)
06/19/2019	<u>38</u>	ORDER indicating that: Defendant's motion for summary judgment and supporting materials are due 9/13/19 at 12:00 p.m.; Plaintiff's response to the motion for summary judgment and supporting materials are due 10/14/19 at 12:00 p.m.; Defendant's reply and supporting materials are due 10/28/19 at 12:00 p.m.; Plaintiff's sur-reply and supporting materials are due 11/12/19 at 12:00 p.m.; Oral Argument is set for 11/21/19 at 2:30 PM in Courtroom 5B before Judge Nora Barry Fischer. Signed by Judge Nora Barry Fischer on 6/19/19. (jg) (Entered: 06/19/2019)
07/12/2019	<u>39</u>	MOTION to Withdraw as Attorney of <i>Stephen J. Emedi</i> by PROJECT ON PREDATORY STUDENT LENDING OF THE LEGAL SERVICES CENTER OF HARVARD LAW SCHOOL. (Attachments: # <u>1</u> Proposed Order Proposed Order) (Emedi, Stephen) (Entered: 07/12/2019)
07/12/2019	40	ORDER granting <u>39</u> Motion to Withdraw of Attorney Stephen J. Emedi as counsel for Plaintiff. Signed by Judge Nora Barry Fischer on 7/12/19. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jg) (Entered: 07/12/2019)
09/13/2019	<u>41</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Proposed Order) (Gal-Or, Karen) (Entered: 09/13/2019)
09/13/2019	<u>42</u>	BRIEF in Support re <u>41</u> Motion for Summary Judgment filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Declaration of John W. Kornmeier, # <u>2</u> Exhibit A (for John Kornmeier Declaration), # <u>3</u> Exhibit B (for John Kornmeier Declaration), # <u>4</u> Exhibit C (for John Kornmeier Declaration), # <u>5</u> Exhibit D (for John Kornmeier Declaration), # <u>6</u> Exhibit E (for John Kornmeier Declaration), # <u>7</u> Exhibit F (for John Kornmeier Declaration)) (Gal-Or, Karen) (Entered: 09/13/2019)
09/13/2019	<u>43</u>	CONCISE STATEMENT OF MATERIAL FACTS (<i>Undisputed</i>) re <u>41</u> Motion for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE. (Gal-Or, Karen) (Entered: 09/13/2019)